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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/003,394

Filing Date: October 23, 2001

Appellant(s): TREMLETT ET AL.

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Joel Wall (25,648)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on October 31, 2006 appealing from the Office action mailed March 20, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6853714                   Liljestrand et al.                   02-2005

6789118                   Rao                                  09-2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**(10) Response to Argument**

The following ground(s) of rejection are applicable to the appealed claims:

1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liljestrand et al. (referred to hereafter as Lil) U.S. 6,853,714 in view of Rao U.S. 6,789,118.

Lil teaches the invention substantially as claimed including apparatus and method for providing enhanced telecommunications services.

As to claim 1, Lil teaches a method of handling a call at an application server connected outside a public switched telephone network (PSTN) and offering one or more services, the method comprising:

Receiving information corresponding to said call at the application server outside the PSTN, the information including data identifying a subscriber of said one or more of services offered by the application server (column 6, lines 16-21, Lil discloses the softswitch is capable of using a voice-activated interface (i.e. or "identifier") to enable a subscriber to access at least one of the plurality of enhanced services).

Based on the information corresponding to the call, routing subscribers (column 6, lines 52-55); and

Handling the call in accordance with an up-to-date routing information (column 6, lines 33-40).

Lil fails to teach explicitly domain policy.

However, Rao teaches multi-service network switch with policy based routing. Rao teaches domain policy (column 8, line 58 to column 9, line 3).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide based on the information corresponding to the call, selecting a domain policy, the domain policy applying to a set of subscribers; and handling the call in accordance with the selected domain policy. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 2, Lil teaches the method of claim 1, wherein receiving information corresponding to a call comprises receiving information from a softswitch (column 6, lines 16-55).

As to claim 3, Lil teaches the method of claim 1, wherein the information including data identifying a subscriber comprises at least one of the following: an origination phone number and a termination phone number (column 4, lines 13-18, Lil discloses to access the voice-activated interface within the enhanced services platform, the subscriber need only dial his/her own phone number).

As to claim 4, Lil teaches the method of claim 1.

Lil fails to teach explicitly the domain policy comprises a policy encoded in a programming language including conditional expressions.

However, Rao teaches domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide the domain policy comprises a policy

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encoded in a programming language including conditional expressions. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 5, Lil teaches the method of claim 1, further comprising constructing a call model for the call (figure 5; column 1, lines 39-43, Lil discloses enhanced services include single access services, specialized call routing and specialized call terminating treatment, and all of these enhanced services have been created with today's telephone system in mind).

As to claim 6, Lil teaches the method of claim 1, further comprising:

Determining a service domain having a call service (figure 5; column 2, lines 37-41, Lil discloses the present invention is directed to an apparatus and method for providing a plurality of transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

Lil fails to teach explicitly the domain policy.

However, Rao teaches the domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide applying the domain policy of the determined service domain to the call. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 7, Lil teaches the method of claim 1.

Lil fails to teach explicitly handling the call in accordance with the selected domain policy comprises authorizing the call.

However, Rao teaches handling the call in accordance with the selected domain policy comprises authorizing the call (column 9, lines 22-24, Rao discloses the incoming call's virtual router ID and virtual private network ID allow the switch to provide access to resources that the user authorized for).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide handling the call in accordance with the selected domain policy comprises authorizing the call. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 8, Lil teaches a method of providing call services at an application server connected outside a public switched telephone network (PSTN), the method comprising:

Defining a set of at least two domains (figure 5).

Receiving information corresponding to a call at the application server outside the PSTN (column 6, lines 16-21, Lil discloses the softswitch is capable of using a voice-activated interface (i.e. or "identifier") to enable a subscriber to access at least one of the plurality of enhanced services).

Determining one or more domains that apply to the call (figure 5; column 2, lines 37-41, Lil discloses the present invention is directed to an apparatus and method for

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providing a plurality of transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

Lil fails to teach explicitly the domain policy.

However, Rao teaches the domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide applying policies associated with the determined domains to the call. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 9, Lil teaches the method of claim 8, wherein the domains comprise more than one subscriber domains (figure 5).

As to claim 10, Lil teaches the method of claim 8, wherein the domains comprise more than one service domains (column 2, lines 37-41, Lil discloses the providing a plurality of transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

As to claim 11, Lil teaches the method of claim 8, wherein the domains comprise more than one device domain (figure 5).

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As to claim 12, Lil teaches the method of claim 8, wherein the domains comprise more than one subscriber domain and more than one service domain (figure 5; column 2, lines 37-41, Lil discloses the providing a plurality of transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network

As to claim 13, Lil teaches the method of claim 8.

Lil fails to teach explicitly the domain policy comprises a policy encoded in a programming language including conditional expressions.

However, Rao teaches domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide the domain policy comprises policies encoded in a computer programming language including conditional expressions. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 14, Lil teaches an application server connected outside a public switched telephone network (PSTN) and, comprising:

One or more aggregation domains (figure 5); and

A domain mapper that identifies one or more domains based on call information received by the application server outside the PSTN (column 4, lines 29-35, Lil discloses To determine the routing information for the called subscriber 150b, the "virtual administrator" accesses a database within the enhanced services platform 100,

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which stores called party numbers and associated names (or other type of spoken identity data)).

Lil fails to teach explicitly some of the domains having an associated authorization policy.

However, Rao teaches some of the domains having an associated authorization policy (column 9, lines 22-24, Rao discloses the incoming call's virtual router ID and virtual private network ID allow the switch to provide access to resources that the user authorized for).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide one or more aggregation domains, at least some of the domains having an associated authorization policy. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 15, Lil teaches the application server of claim 14, wherein the domains comprise subscriber domains (figure 5).

As to claim 16, Lil teaches the application server of claim 15, wherein the domains comprise service domains (column 2, lines 37-41, Lil discloses the providing a plurality of transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

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As to claim 17, Lil teaches the application server of claim 15, further comprising a service provider interface for handling call information received from a transport device (column 22, lines 3-7, Lil discloses he enhanced network 125 is also connected to multiple Internet Service Providers (ISPs) 112a-c to allow subscriber Internet/WEB 105 access to their subscriber profiles and the enhanced services via the web-activated interface)

As to claim 18, Lil teaches the application server of claim 17, wherein the transport device comprises a softswitch (column 6, lines 16-55).

As to claim 19, Lil teaches a computer program product, disposed on a computer readable medium, for providing calls services at an application server connected outside a public switched telephone network (PSTN), the computer program including instructions for causing a processor to:

Define a set of more than one domains (figure 5).

Receiving information corresponding to a call received at the application server outside the PSTN (column 6, lines 16-21; Lil discloses the softswitch is capable of using a voice-activated interface (i.e. or "identifier") to enable a subscriber to access at least one of the plurality of enhanced services).

Determining one or more domains that apply to the call (figure 5; column 2, lines 37-41, Lil discloses the present invention is directed to an apparatus and method for providing a plurality of transparent enhanced telecommunications services to

subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

Lil fails to teach explicitly the domain policy.

However, Rao teaches the domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide applying policies associated with the determined domains to the call. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 20, Lil teaches the computer program of claim 19, wherein the domains comprise more than one subscriber domains (figure 5).

As to claim 21, Lil teaches the computer program of claim 19, wherein the domains comprise more than one service domains (column 2, lines 37-41, Lil discloses the providing a plurality of transparent enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

As to claim 22, Rao teaches the computer program of claim 19, wherein the domains comprise more than one subscriber domain and more than one service domain (figure 5; column 2, lines 37-41, Lil discloses the providing a plurality of transparent

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enhanced telecommunications services to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

As to claim 23, Lil teaches the computer program of claim 19.

Lil fails to teach explicitly the domain policy comprises a policy encoded in a programming language including conditional expressions.

However, Rao teaches domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide the domain policy comprises policies encoded in a computer programming language including conditional expressions. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 24, Lil teaches a method of handling calls at an application server connected outside a public switched telephone network (PSTN) and offering one or more call services to customers of one or more telecommunications services providers, said method comprising:

Receiving information corresponding to said calls at said application server outside the PSTN, said information for each one of said calls including data identifying a subscriber of said one or more of services offered by the application server (column 6, lines 16-21, Lil discloses the softswitch is capable of using a voice-activated interface (i.e. or "identifier") to enable a subscriber to access at least one of the plurality of enhanced services).

Selecting a domain policy for said each one of said calls, based on the information corresponding to said calls, routing subscribers (column 6, lines 52-55); and

Handling each of said calls in accordance with an up-to-date routing information (column 6, lines 33-40).

Lil fails to teach explicitly domain policy.

However, Rao teaches domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide selecting a domain policy for said each one of said calls, based on the information corresponding to said calls to obtain a selected domain policy for said each one of said calls, each said selected domain policy applying to a set of subscribers of one of said one or more telecommunication service providers; and handling each of said calls in accordance with the selected domain policy. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 25, Lil teaches the method of claim 24, wherein receiving information corresponding to said calls comprises receiving information from a softswitch (column 6, lines 16-55).

As to claim 26, Lil teaches the method of claim 24, wherein said information including data identifying a subscriber comprises at least one of the following: an origination phone number and a termination phone number (column 4, lines 13-18, Lil

discloses to access the voice-activated interface within the enhanced services platform, the subscriber need only dial his/her own phone number).

As to claim 27, Lil teaches the method of claim 24.

Lil fails to teach explicitly said domain policy comprises a policy encoded in a programming language including conditional expressions.

However, Rao teaches domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide said domain policy comprises a policy encoded in a programming language including conditional expressions. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 28, Lil teaches the method of claim 24, further comprising constructing a call model for said calls (figure 5; column 1, lines 39-43, Lil discloses enhanced services include single access services, specialized call routing and specialized call terminating treatment, and all of these enhanced services have been created with today's telephone system in mind).

As to claim 29, Lil teaches the method of claim 24, further comprising:

Determining a service domain having a call service (figure 5; column 2, lines 37-41, Lil discloses the present invention is directed to an apparatus and method for providing a plurality of transparent enhanced telecommunications services to

subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network).

Lil fails to teach explicitly domain policy.

However, Rao teaches domain policy (column 8, line 58 to column 9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lil in view of Rao to provide applying domain policy of said determined service domain to the call. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

As to claim 30, Lil teaches the method of claim 24, wherein said call services include voice-mail, call-forwarding, call-messaging, and 911 services (column 4, line 62 to column 5, line 9).

As to claim 31, Lil teaches the method of claim 30.

Lil fails to teach explicitly handling the call in accordance with the selected domain policy includes authorizing or denying said subscribers access to one or more of said call services.

However, Rao teaches handling the call in accordance with the selected domain policy includes authorizing or denying said subscribers access to one or more of said call services (column 9, lines 22-24, Rao discloses the incoming call's virtual router ID and virtual private network ID allow the switch to provide access to resources that the user authorized for).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Li in view of Rao to handle the call in accordance with the selected domain policy includes authorizing or denying said subscribers access to one or more of said call services. One would be motivated to do so to allow proper handling of callers (column 6, line 39).

#### **(10) Response to Argument**

Applicant's arguments filed 10/12/05 have been fully considered but they are not persuasive.

(A) On page 12 and 16, Appellants' argue that Domain policy has to do with the control of a domain, but that is not what is being controlled in Rao, and Rao's "domain-based routing" is not Applicant's "domain-policy based routing,".

In regards to point (A), examiner respectfully disagrees.

In response to the above point, Examiner points to Appellant that there is no requirement that the reference use the same exact word as the claim. When claim interpretation is at issue, it is proper for the Examiner to look at the specification to see if a specific definition has been set forth therein. If not, Examiner is instructed to use the broadest reasonable definition. Paragraph [0014] definition of "the domain policy" meets the definition of "the call policy" of Rao. The call policy of Rao implements subscriber policy based on the domain (column 8, line 58 to column 9, line 3). Accordingly, "call

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policy" of Rao is a "domain policy". The "domain policy" is being equated with "the call policy" not the "domain name"

(B) On page 14, 15 and 17 of the appeal brief, Appellants' argue that Appellants' domain policies for a particular domain are rules which have broad control over call activity in that particular domain, such as restricting subscriber access to certain services. This is essentially different from mere routing-path selection. Referring to Appellants' specifications, examples of "domain policy" are provided:...

In regards to point (B), examiner respectfully disagrees.

Such limitations are not in the claims.

(C) On pages 18 and 20, Appellants' argue that the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, for reasons given above, the prior art references, even if combinable (which they aren't), do not teach or suggest all of the claim limitations of independent claims 1, 8, 14, 19 and 24. Consider each independent claim, assuming, arguendo, combinability. Accordingly, a prima facie case of obviousness has not been established. .

In regards to point (C), examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, In this case, One would be motivated to do so to allow proper handling of callers.

(D) On pages 18 and 19, Appellants' argue Lil and/or Rao for reasons given above, taken in any reasonable combination do not disclose or suggest domain policy, much less domain policy applying to a set of subscribers, applying to call, or authorizing policy, therefore, do not disclose or suggest at least these elements of claims 1, 8, 19 and 24.

In regards to point (D), examiner respectfully disagrees.

Column 8, lines 64 to column 9, lines 3, Rao discloses a call policy record including various parameters which dictate how the call is to be routed, therefore, "applying to a set of subscribers, to a call, or suggest authorizing policy". In addition, no definition of "authorizing policy" was provide in the specification.

(E) On pages 18 and 20, Appellants argue that there is no reasonable expectation of success if the references were combined. Further, Appellants argue that there were no motivation to be derived from Lil to combine Lil with Rao and no likelihood of the combination operating successfully.

In regards to point (E), examiner respectfully disagrees.

Motivation to combine was addressed in point (C). In response to no likelihood of the combination operating successfully, Examiner is pointing out to Appellants that Both Lil's and Rao's inventions are in the same field of endeavor, and both of them are trying to solve the same invention. One of ordinary skill in the art would make adjustment to Lil and Rao's reference to come up with this teaching.

(F) On page 21-24, Appellants argue that the prior art application server in Lil relied upon by the Examiner to show a server-location outside a PSTN is not sufficiently disclosed in Lil to provide a basis upon which to reject Appellants' claims where Examiner reads description of Lil's other server located inside the PSTN on Appellants' claims.

In regards to point (F), examiner respectfully disagrees.

Lil discloses that application server can be either within the PSTN or outside the PSTN (column 1, lines 59-62). One of ordinary skill in the art would know how to make the modification to make the application server external.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

El Hadji Sall

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February 20, 2006



Conferees:

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